

E. Michael Garrett, Jr., Esq. (8913)  
BARRETT LAZAR, LLC  
145 West Passaic Street  
Maywood, New Jersey 07607  
Tel.: 201-843-5900  
Attorneys for Defendants,  
ROWE MACHINERY, INC.

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

-----X  
JEAN R. DESIR and WILENE DESIR  
(h/w),

Plaintiffs,

Civil Action No.

vs.

KENNIE REID, ROWE MACHINERY,  
INC., ABC COMPANIES 1-5 (fictitious  
designations), DEF CORPS 1-5 (fictitious  
designations), XYZ ENTITIES 1-5  
(fictitious designations) and JOHN DOES  
1-10 (fictitious designations)

Defendants.

**NOTICE OF FILING OF NOTICE  
OF REMOVAL**

-----X  
TO: J. Robert Bratman, Esq.  
Stark & Stark  
993 Lenox Drive, Building 2  
P.O. Box 5315  
Princeton, New Jersey 08543  
**Attorney for Plaintiff**

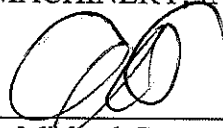
S I R S:

PLEASE TAKE NOTICE, that defendant, ROWE MACHINERY, INC., in the above-entitled action, has on this 11<sup>th</sup> day of June, 2019, removed this action to the Newark Vicinage of the United States District Court for the District of New Jersey, by filing a Notice of Removal, a copy of which is annexed hereto, in the Office of the Clerk of the United States District Court for the District of New Jersey, 50 Walnut Street, Newark, New Jersey 07102, and in the Office of

the Clerk of the Superior Court of New Jersey, County of Essex, at 50 West Market Street,  
Newark, New Jersey.

BARRETT LAZAR, LLC  
Attorneys for Defendant,  
ROWE MACHINERY, INC.

By:

A handwritten signature in black ink, appearing to be "E. Michael Garrett, Jr.", written over a horizontal line.

E. Michael Garrett, Jr., Esq. (8913)

Dated: June 11, 2019

E. Michael Garrett, Jr., Esq. (021431996)  
BARRETT LAZAR, LLC  
145 West Passaic Street  
Maywood, New Jersey 07607  
Tel.: 201-843-5900  
Attorneys for Defendants,  
ROWE MACHINERY, INC.

-----X  
JEAN R. DESIR and WILENE DESIR  
(h/w),

Plaintiffs,

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION : ESSEX COUNTY  
DOCKET NUMBER: ESX-L-3036-19

vs.

KENNIE REID, ROWE MACHINERY,  
INC., ABC COMPANIES 1-5 (fictitious  
designations), DEF CORPS 1-5 (fictitious  
designations), XYZ ENTITIES 1-5  
(fictitious designations) and JOHN DOES  
1-10 (fictitious designations)

Defendants.

**NOTICE OF REMOVAL**

-----X  
Pursuant to 28 U.S.C. Sections 1441 and 1446, defendant, ROWE MACHINERY, INC.,  
hereby removes this action from the Superior Court of the State of New Jersey, County of Essex,  
Docket No. ESX-L-3036-19, to the Newark Vicinage - United States District Court for the  
District of New Jersey. As of the date of the filing of this Notice of Removal, defendant,  
KENNIE REID has not yet been served.

1. This Court has original jurisdiction over this action, pursuant to 28 U.S.C. Section  
1332, on the ground that there is diversity of citizenship between the parties and the amount in  
controversy exceeds the sum of \$75,000.00, exclusive of interest and costs.

2. Upon information and belief, Plaintiffs, JEAN R. DESIR and WILENE DESIR,  
reside at 55 Pinewood Drive, Town of Levittown, County of Bucks in the Commonwealth of  
Pennsylvania.

3. Plaintiff commenced this action by filing a Complaint, dated April 23, 2019, in the Superior Court of the State of New Jersey, County of Essex, against defendants, KENNIE REID and ROWE MACHINERY, INC.

4. A Summons and Complaint were served on Defendant, ROWE MACHINERY, INC. on or about May 16, 2019. (See copy of the Summons and Complaint and Plaintiff's Affidavit of Service annexed hereto collectively as **Exhibit "A"**).

5. Defendant, ROWE MACHINERY, INC. is incorporated in the State of Alabama with its registered office located at 287 County Road 85, Haleyville, Alabama 35565 (See Alabama Secretary of State Corporation Search Result dated May 22, 2019, annexed hereto as **Exhibit "B"**).

6. Defendant, KENNIE REID, resides at P.O. Box 3502 NA, Muscle Shoals, Alabama 35662-3502. (See Police Report annexed hereto as **Exhibit "C"**).

7. Upon information and belief, Plaintiff, JEAN R. DESIR alleges damages which exceed \$75,000.00. Based on the foregoing allegations and claims, this action is one in which the amount in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs. Therefore, this action is removable under 28 U.S.C. Section 1441(a), as one over which this Honorable Court has original jurisdiction pursuant to 28 U.S.C. Section 1332(a).

8. This Notice of Removal is filed within thirty (30) days of defendant's receipt of the Complaint, by service or otherwise, and is, therefore, timely filed pursuant to 28 U.S.C. Section 1446(b).

9. Written notice of the filing of this Notice of Removal has been served on plaintiff's counsel and a copy of this Notice has been forwarded for filing with the Office of the Clerk of the Superior Court of the State of New Jersey, County of Essex, at 50 West Market

Street, Newark, New Jersey, to effect the removal of this action to the United States District Court, pursuant to 28 U.S.C. Section 1446(d).

WHEREFORE, Defendant, ROWE MACHINERY, INC. requests that the matter be removed from the Superior Court of the State of New Jersey, County of Essex, to this Honorable Court.

BARRETT LAZAR, LLC  
Attorneys for Defendants,  
ROWE MACHINERY, INC.

By: 

Dated: June 11, 2019

\_\_\_\_\_  
E. Michael Garrett, Jr., Esq. (021431996)

**AFFIDAVIT OF SERVICE**

STATE OF NEW JERSEY :  
: S.S.  
COUNTY OF BERGEN :

Dana Riccio, being duly sworn, deposes and says that deponent is not a party to the action, is over 18 years of age and resides in New Jersey.


On June 11, 2019, deponent served with the within Notice of Filing and Notice of Removal via e-file on:

J. Robert Bratman, Esq.  
Stark & Stark  
993 Lenox Drive, Building 2  
P.O. Box 5315  
Princeton, New Jersey 08543  
**Attorney for Plaintiff**

Essex County Courthouse  
50 West Market Street  
Newark, New Jersey 07102

  
DANA RICCIO

Sworn to and subscribed before me  
this 11<sup>th</sup> day of June, 2019

  
E. Michael Garrett, Jr., Esq. (8913)  
Attorney at Law, State of New Jersey

**Exhibit A**

STARK & STARK, A Professional Corporation  
Mailing Address: PO Box 5315, Princeton, NJ 08543  
Office Location: 993 Lenox Drive, Lawrenceville, NJ 08648  
(609) 896-9060

J. Robert Bratman, Esq., Attorney ID#: 03326-1986  
Attorneys for Plaintiff(s) Jean R. Desir

JEAN R. DESIR and WILENE DESIR

Plaintiff(s).

vs.

KENNIE REID, ROWE MACHINERY, INC.,  
et al.

Defendant(s).

SUPERIOR COURT OF NEW JERSEY  
ESSEX COUNTY LAW DIVISION

Docket No. ESX-L-003036-19

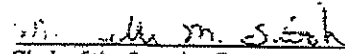
CIVIL ACTION  
SUMMONS

From The State of New Jersey to The Defendant(s) Named Above: Rowe Machinery, Inc

The plaintiff named above has filed a lawsuit against you in the Superior Court of New Jersey. The complaint attached to this summons states the basis for this lawsuit. If you dispute this complaint, you or your attorney must file a written answer or motion and proof of service with the Deputy Clerk of the Superior Court in the county listed above within 35 days from the date you received this summons, not counting the date you received it. (A directory of the addresses of each Deputy Clerk of the Superior Court is available in the Civil Division Management Office in the County listed above and online at [http://www.judiciary.state.nj.us/prose/10153\\_deptyclerklawref.pdf](http://www.judiciary.state.nj.us/prose/10153_deptyclerklawref.pdf).) If the complaint is one in foreclosure, then you must file your written answer or motion and proof of service with the Clerk of the Superior Court, Hughes Justice Complex, P.O. Box 971, Trenton, NJ 08625-0971. A filing fee payable to the Treasurer, State of New Jersey, and a completed Case Information Statement (available from the Deputy Clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to plaintiff's attorney, whose name and address appear above, or to plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve a written answer or motion (with fee of \$175.00 and completed Case Information Statement) if you want the court to hear your defense.

If you do not file and serve a written answer or motion within 35 days, the court may enter a judgment against you for the relief plaintiff demands, plus interest and costs of suit. If judgment is entered against you, the Sheriff may seize your money, wages, or property to pay all or part of the judgment.

If you cannot afford an attorney, you may call the Legal Services office in the county where you live, or the Legal Services of New Jersey Statewide Hotline, at 1-888-LSNJ-LAW(1-888-576-5529). If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A directory with contact information for local Legal Services Offices and Lawyer Referral Services is available in the Civil Division Management Office in the county listed above and online at [njcourts.gov/forms/10153\\_deptyclerklawref.pdf](http://njcourts.gov/forms/10153_deptyclerklawref.pdf).

  
Clerk of the Superior Court

DATED: May 10, 2019

Name of Defendant to be served: Rowe Machinery, Inc c/o William L. Rowe, reg. agent  
Address of Defendant to be served: 287 County Rd 85, Haleyville, AL 35665

STARK & STARK  
ATTORNEYS AT LAW



<b>ATLANTIC COUNTY:</b> Deputy Clerk of the Superior Court Civil Division, Direct Filing 1201 Bacharach Blvd., First Fl. Atlantic City, NJ 08401	<b>LAWYER REFERRAL</b> (609) 345-3444 <b>LEGAL SERVICES</b> (609) 348-4200	<b>MERCER COUNTY:</b> Deputy Clerk of the Superior Court Local Filing Office, Courthouse 175 S. Broad Street, P.O. Box 8068 Trenton, NJ 08650	<b>LAWYER REFERRAL</b> (609) 585-6200 <b>LEGAL SERVICES</b> (609) 695-6249
<b>BERGEN COUNTY:</b> Deputy Clerk of the Superior Court Civil Division, Room 115 Justice Center, 10 Main St. Hackensack, NJ 07601	<b>LAWYER REFERRAL</b> (201) 488-0044 <b>LEGAL SERVICES</b> (201) 487-2166	<b>MIDDLESEX COUNTY:</b> Deputy Clerk of the Superior Court, Middlesex Vicinage 2nd Floor - Tower 56 Paterson Street, P.O. Box 2633 New Brunswick, NJ 08903-2633	<b>LAWYER REFERRAL</b> (732) 828-0053 <b>LEGAL SERVICES</b> (732) 249-7600
<b>BURLINGTON COUNTY:</b> Deputy Clerk of the Superior Court Central Processing Office Attn: Judicial Intake First Fl., Courts Facility 49 Rancocas Rd. Mt. Holly, NJ 08060	<b>LAWYER REFERRAL</b> (609) 261-4862 <b>LEGAL SERVICES</b> (800) 496-4570	<b>MONMOUTH COUNTY:</b> Deputy Clerk of the Superior Court Court House P.O. Box 1269 Freehold, NJ 07728-1269	<b>LAWYER REFERRAL</b> (732) 431-5544 <b>LEGAL SERVICES</b> (732) 866-0020
<b>CAMDEN COUNTY:</b> Deputy Clerk of the Superior Court Civil Processing Office Hall of Justice 1st Fl., Suite 150 101 South 5 <sup>th</sup> Street Camden, NJ 08103	<b>LAWYER REFERRAL</b> (856) 964-4520 <b>LEGAL SERVICES</b> (856) 964-2010	<b>MORRIS COUNTY:</b> Morris County Courthouse Civil Division Washington and Court Streets P. O. Box 910 Morristown, NJ 07963-0910	<b>LAWYER REFERRAL</b> (973) 267-3882 <b>LEGAL SERVICES</b> (973) 285-6911
<b>CAPE MAY COUNTY:</b> Deputy Clerk of the Superior Court 9 N. Main Street Cape May Court House, NJ 08210	<b>LAWYER REFERRAL</b> (609) 463-0313 <b>LEGAL SERVICES</b> (609) 465-3001	<b>OCEAN COUNTY:</b> Deputy Clerk of the Superior Court 118 Washington Street, Room 121 P.O. Box 2191 Toms River, NJ 08754-2191	<b>LAWYER REFERRAL</b> (732) 240-3656 <b>LEGAL SERVICES</b> (732) 341-2727
<b>CUMBERLAND COUNTY:</b> Deputy Clerk of the Superior Court Civil Case Management Office 60 West Broad Street P.O. Box 10 Bridgeport, NJ 08302	<b>LAWYER REFERRAL</b> (856) 692-6207 <b>LEGAL SERVICES</b> (856) 451-0003	<b>PASSAIC COUNTY:</b> Deputy Clerk of the Superior Court Civil Division Court House 77 Hamilton Street Paterson, NJ 07505	<b>LAWYER REFERRAL</b> (973) 278-9223 <b>LEGAL SERVICES</b> (973) 523-2900
<b>ESSEX COUNTY:</b> Deputy Clerk of the Superior Court Civil Customer Service Hall of Records, Room 201 465 Dr. Martin Luther King Jr. Blvd. Newark, NJ 07102	<b>LAWYER REFERRAL</b> (973) 622-6204 <b>LEGAL SERVICES</b> (973) 624-4500	<b>SALEM COUNTY:</b> Deputy Clerk of the Superior Court Attn: Civil Case Management Office 92 Market Street Salem, NJ 08079	<b>LAWYER REFERRAL</b> (856) 678-8163 <b>LEGAL SERVICES</b> (856) 451-0003
<b>GLOUCESTER COUNTY:</b> Deputy Clerk of the Superior Court Civil Case Management Office Attn: Intake First Fl., Court House 1 North Broad Street Woodbury, NJ 08096	<b>LAWYER REFERRAL</b> (856) 848-4589 <b>LEGAL SERVICES</b> (856) 848-5360	<b>SOMERSET COUNTY:</b> Deputy Clerk of the Superior Court Civil Division P.O. Box 3000 40 North Bridge Street Somerville, N.J. 08876	<b>LAWYER REFERRAL</b> (908) 683-2323 <b>LEGAL SERVICES</b> (908) 231-0840
<b>HUDSON COUNTY:</b> Deputy Clerk of the Superior Court Superior Court, Civil Records Dept. Brennan Court House—1st Floor 583 Newark Ave. Jersey City, NJ 07306	<b>LAWYER REFERRAL</b> (201) 798-2727 <b>LEGAL SERVICES</b> (201) 792-6363	<b>SUSSEX COUNTY:</b> Deputy Clerk of the Superior Court Sussex County Judicial Center 43-47 High Street Newton, NJ 07860	<b>LAWYER REFERRAL</b> (973) 267-5882 <b>LEGAL SERVICES</b> (973) 383-7400
<b>HUNTERDON COUNTY:</b> Deputy Clerk of the Superior Court Civil Division 65 Park Avenue Flemington, NJ 08822	<b>LAWYER REFERRAL</b> (908) 735-2611 <b>LEGAL SERVICES</b> (908) 782-7979	<b>UNION COUNTY:</b> Deputy Clerk of the Superior Court 1st Fl., Court House 2 Broad Street Elizabeth, NJ 07207-6075	<b>LAWYER REFERRAL</b> (908) 353-4715 <b>LEGAL SERVICES</b> (908) 354-4340
		<b>WARREN COUNTY:</b> Deputy Clerk of the Superior Court Civil Division Office Court House 413 Second Street Belvidere, NJ 07823-1500	<b>LAWYER REFERRAL</b> (973) 267-5882 <b>LEGAL SERVICES</b> (908) 475-2010

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STARK & STARK  
A Professional Corporation  
Attorneys at Law  
Princeton Pike Corporate Center  
993 Lenox Drive, Building 2  
P.O. Box 5315  
Princeton, New Jersey 08543-5315  
(609) 896-9060  
By: J. Robert Bratman (03326-1986)  
Attorneys for Plaintiffs

JEAN R. DESIR and WILENE DESIR  
(h/w)

Plaintiffs

vs.

KENNIE REID; ROWE MACHINERY,  
INC; ABC COMPANIES 1-5 (fictitious  
designations); DEF CORPS 1-5 (fictitious  
designations); XYZ ENTITIES 1-5  
(fictitious designations); and JOHN DOES  
1-10 (fictitious designations)

Defendants

SUPERIOR COURT OF NEW JERSEY  
ESSEX COUNTY  
LAW DIVISION

Docket No. ESX-L-003036-19

CIVIL ACTION

COMPLAINT AND  
JURY DEMAND

DEMAND FOR ANSWERS  
TO INTERROGATORIES

Plaintiff, JEAN R. DESIR and WILENE DESIR (h/w), residing at 55 Pinewood Drive, in the  
Town of Levittown, County of Bucks, and Commonwealth of Pennsylvania, by way of Complaint.

say:

FIRST COUNT

STARK & STARK  
ATTORNEYS AT LAW  
PRINCETON, NEW JERSEY  
P.O. BOX 5315  
PRINCETON, NJ 08543-5315

4638-8659-2213 v 1

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1. On or about June 20, 2017, Plaintiff, JEAN R. DESIR, was operating a motor vehicle on the New Jersey Turnpike, traveling in a southerly direction, near milepost 119.4, in/near the City of Newark, County of Essex, and State of New Jersey.

2. At or about the same time and place, Defendants, ROWE MACHINERY, INC.; ABC COMPANIES 1-5; DEF CORPS 1-5; and XYZ ENTITIES 1-5 (fictitious designations), were the owners of a tractor-trailer which was being operated by Defendant, KENNIE REID, and/or JOHN DOES 1-10 (fictitious designations) as agent, servant, and/or employees of Defendants, ROWE MACHINERY, INC.; ABC COMPANIES 1-5; DEF CORPS 1-5; and XYZ ENTITIES 1-5 (fictitious designations), and/or otherwise with the knowledge, consent and/or permission of Defendants, ROWE MACHINERY, INC.; RYDER TRUCK RENTAL; ABC COMPANIES 1-5; DEF CORPS 1-5; and XYZ ENTITIES 1-5 (fictitious designations), on the New Jersey Turnpike, traveling in a southerly direction, near milepost 119.4, near/in the City of Newark, County of Essex, and State of New Jersey.

3. At present, the identities of Defendants, ABC COMPANIES 1-5; DEF CORPS 1-5; XYZ ENTITIES 1-5; and JOHN DOES 1-10, are unknown. As such, "ABC COMPANIES 1-5; DEF CORPS 1-5; XYZ ENTITIES 1-5; and JOHN DOES 1-10", are fictitious designations, representing one or more individuals, sole proprietorships, associations, limited partnerships, general partnerships, limited liability companies and/or corporations, which in any way owned, possessed, controlled, entrusted, leased, rented, insured, hired, inspected, and/or maintained the subject vehicle which caused or contributed to the accident at issue herein, or who were otherwise responsible, in whole or in part, for the said accident or the injuries sustained by the Plaintiff.

4. At all times material hereto, Defendants, ROWE MACHINERY, INC.; KENNIE REID; ABC COMPANIES 1-5; DEF CORPS 1-5; XYZ ENTITIES 1-5; and JOHN DOES 1-10

STARK & STARK  
A TRIANGLE  
MAGNETIC  
JUN 2019  
RENTAL

4838-6959-2213 v. 1

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(fictitious designations) so negligently owned, operated, parked, maintained, insured, entrusted and/or hired for, their vehicles, so as to cause a collision. Such negligent activities include, but are not limited to the following:

- a) Operating a vehicle in violation of 49 CRF 392.3 when his ability or alertness is impaired likely to become so due to fatigue, illness or other causes;
- b) Consciously disregarding the rights and interests of others on the roadways;
- c) Operating a vehicle at an excessive rate of speed under the circumstances;
- d) Failing to maintain proper and safe control of defendants' vehicle;
- e) Failing to maintain such control of defendants' vehicle so as to have it in a position to avoid contact with other vehicles;
- f) Failing to bring the vehicle to a stop before striking the Plaintiff's vehicle;
- g) Failing to maintain a proper and safe lookout for traffic and road conditions then and there existing;
- h) Failing to observe safe driving precautions and procedures under the circumstances;
- i) Failing to obey traffic signals, controls, signs and warnings then and there existing;
- j) Operating defendants' vehicle in violation of the ordinances, laws and statutes of the State of New Jersey and County of Essex;
- k) Operating defendants' vehicle in violation of the ordinances, laws, statutes, and requirements of federal law and of the Federal Motor Carrier Safety Administration;

STATE & SEABR  
ATTORNEYS AT LAW  
NATION, ARIZONA  
P.O. BOX 5000  
PHOENIX, AZ 85004-5000

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caused and will be caused great pain and suffering, including significant post-traumatic stress; has been caused and will be caused to expend large sums of money for medical treatment necessary to effect a cure for his injuries; and, has been caused and will be caused to lose large sums of money due to his inability to pursue his usual occupation.

WHEREFORE, Plaintiff, JEAN R. DESIR, demands Judgment for damages generally against the Defendants, ROWE MACHINERY, INC; KENNIE REID; ABC COMPANIES 1-5; DEF CORPS 1-5; XYZ ENTITIES 1-5; and JOHN DOES 1-10 (fictitious designations), individually, jointly, severally, or in the alternative, together with interest and costs of suit.

### SECOND COUNT

1. Plaintiff, JEAN R. DESIR, incorporates by reference the allegations contained in the previous paragraphs of the Complaint as though fully set forth herein at length.

2. Defendants, ROWE MACHINERY, INC; ABC COMPANIES 1-5; DEF CORPS 1-5; and XYZ ENTITIES 1-5 (fictitious designations), owed the general public, including the plaintiff, a duty to determine the qualifications of its employees including but not limited to:

- a) Adequately evaluating applicants before hiring them as drivers;
- b) Adequately training and supervising these drivers;
- c) Adequately evaluating these employees' job performance so as to discharge any incompetent or negligent employee before he injured the public or property;
- d) Pursuant to 49 CFR 382.201 et. seq., 382.301 et. seq., 383.35, and 391 et. seq., conducting an adequate investigation or inquiry into the driving record of KENNIE REID and/or JOHN DOES 1-10 (fictitious designations).

STARK & STARK  
ATTORNEYS AT LAW  
MAILING ADDRESS  
PO BOX 5110  
PRINCETON NJ 08540

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e) Negligently and recklessly entrusting, allowing and/or permitting defendant, KENNIE REID and/or JOHN DOES 1-10 (fictitious designations), to operate defendants' vehicle even though defendant(s) knew or should have known that defendant, KENNIE REID and/or JOHN DOES 1-10 (fictitious designations), intended to or was likely to use the aforementioned vehicle in such a way that would harm another;

f) Negligently and carelessly entrusting, allowing, and/or permitting a vehicle to be operated by someone who defendant(s) knew or should have known would violate state and federal rules, laws and guidelines regarding operation of a commercial vehicle;

g) Failing to create, enact, and enforce programs to ensure compliance by defendants' drivers, such as KENNIE REID and/or JOHN DOES 1-10 (fictitious designations), with federal and state rules, laws and statutes regarding operation of commercial vehicles;

h) Failing to create, enact and enforce programs to ensure compliance by defendants' drivers, such as KENNIE REID and/or JOHN DOES 1-10 (fictitious designations), with the FMCSA Hours of Service regulations;

i) Failing to ensure defendants' driver, KENNIE REID and/or JOHN DOES 1-10 (fictitious designations), complied with federal and state rules, laws and statutes regarding the operation of commercial vehicles, including FMCSA Hours of Service regulations;

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- j) Failing to establish an effective HOS monitoring and compliance system for its drivers;
- k) Failing to monitor defendant, KENNIE REID and/or JOHN DOES 1-10 (fictitious designations), to ensure he was complying with HOS rules and applicable federal and state laws, rules and regulations;
- l) Failing to enforce and monitor driving time limits;
- m) Failing to ensure its driver, KENNIE REID and/or JOHN DOES 1-10 (fictitious designations), was sufficiently rested before operating defendants' vehicle at the time and place aforesaid;
- n) Employing a driver that operated a commercial vehicle in violation of the hours of service;

3. Defendants, ROWE MACHINERY, INC; ABC COMPANIES 1-5; DEF CORPS 1-5; and XYZ ENTITIES 1-5 (fictitious designations), breached these duties to the general public, including the plaintiff, by its negligent and careless training, hiring, monitoring, supervision, and retention of KENNIE REID and/or JOHN DOES 1-10 (fictitious designations), who was unqualified, incompetent, and/or negligent and careless.

WHEREFORE, Plaintiff JEAN R. DESIR, demands judgment against defendants ROWE MACHINERY, INC; ABC COMPANIES 1-5; DEF CORPS 1-5; and XYZ ENTITIES 1-5, for damages, attorneys' fees and costs, interest and other just and equitable relief.

#### THIRD COUNT

- 1. Plaintiff, WILENE DESIR, is the wife of Plaintiff, JEAN R. DESIR.
- 2. Plaintiff, WILENE DESIR, repeats all of the Paragraphs of the First and Second



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Counts of this Complaint and makes them a part hereof.

3. As a further direct and proximate result of the carelessness, recklessness, and negligence of the Defendants, ROWE MACHINERY, INC; KENNIE REID; ABC COMPANIES 1-5; DEF CORPS 1-5; XYZ ENTITIES 1-5; and JOHN DOES 1-10 (fictitious designations), and their disregard for the safety of others, Plaintiff, WILENE DESIR, has been caused and will be caused to lose the services of her dear husband, and has been caused and will be caused to suffer loss of consortium.

WHEREFORE, Plaintiff, WILENE DESIR, demands judgment for damages generally against the Defendants, ROWE MACHINERY, INC; KENNIE REID; ABC COMPANIES 1-5; DEF CORPS 1-5; XYZ ENTITIES 1-5; and JOHN DOES 1-10 (fictitious designations), individually, jointly, severally, or in the alternative, together with interest and costs of suit.

STARK & STARK  
A Professional Corporation  
Attorneys for Plaintiff

By:   
J. ROBERT BRATMAN

JURY DEMAND

Plaintiffs, JEAN R. DESIR and WILENE DESIR, hereby demands a trial by jury as to all issues.

CERTIFICATION OF OTHER ACTIONS/PARTIES

Pursuant to the provisions of Rule 4:5-1, the undersigned attorney certifies that this matter is not the subject of any other action pending in any court or arbitration proceeding, nor is any

STARK & STARK  
ATTORNEYS AT LAW  
VARIAN, ARIZONA  
P.O. BOX 1200  
PHOENIX, ARIZONA 85001

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other action or arbitration proceeding contemplated, and all known necessary parties have been joined in this action.

**CERTIFICATION OF COMPLIANCE WITH R.1:38-7(c)(1)**

Pursuant to R. 1:38-7(b), all confidential identifiers of the parties to this action have or will be redacted from all documents or pleadings submitted to the court.

**DESIGNATION OF TRIAL COUNSEL**

Pursuant to the provisions of Rule 4:25-4 the Court is advised that J. ROBERT BRATMAN is hereby designated as trial counsel.

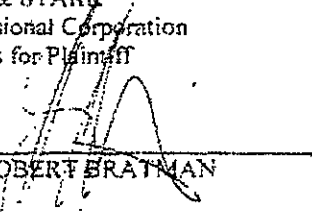
**DEMAND FOR ANSWERS TO INTERROGATORIES & SUPPLEMENTAL INTERROGATORIES**

*Plaintiffs, JEAN R. DESIR and WILENE DESIR, demand that Defendants, KENNIE REID and ROWE MACHINERY, INC., provide answers to interrogatories as follows:*

*FORM C and FORM C(1) UNIFORM INTERROGATORIES as set forth in Appendix II of the New Jersey Court Rules effective September 1, 2006*

**SUPPLEMENTAL INTERROGATORIES #1-9.**

STARK & STARK  
A Professional Corporation  
Attorneys for Plaintiff

By:   
J. ROBERT BRATMAN

Dated: April 22, 2019

STARK & STARK  
ATTORNEYS AT LAW  
100,000 ADDRESS  
PO BOX 1118  
BRIDGEPORT, NJ 08740-1118

4838-8959-2213, v. 1



**Exhibit B**

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# Alabama Secretary of State



Rowe Machinery, Inc.	
Entity ID Number	107 - 585
Entity Type	Domestic Corporation
Principal Address	HALEYVILLE, AL
Principal Mailing Address	Not Provided
Status	Exists
Place of Formation	Winston County
Formation Date	12-23-1985
Registered Agent Name	ROWE, WILLIAM L
Registered Office Street Address	287 COUNTY RD 85 HALEYVILLE, AL 35565
Registered Office Mailing Address	Not Provided
Nature of Business	TRUCKING
Capital Authorized	\$1,000
Capital Paid In	---
Incorporators	
Incorporator Name	ROWE, WILLIAM L
Incorporator Street Address	Not Provided
Incorporator Mailing Address	Not Provided
Annual Reports	
Annual Report information is filed and maintained by the Alabama Department of Revenue. If you have questions about any of these filings, please contact Revenue's Business Privilege Tax Division at 334-242-1170 or <a href="http://www.revenue.alabama.gov">www.revenue.alabama.gov</a> . The Secretary of State's Office cannot answer questions about or make changes to these reports.	
Report Year	<a href="#">1988</a> <a href="#">1989</a> <a href="#">1990</a> <a href="#">1991</a> <a href="#">1992</a> <a href="#">1993</a> <a href="#">1994</a> <a href="#">1995</a> <a href="#">1996</a> <a href="#">1997</a> <a href="#">1998</a> <a href="#">1999</a> <a href="#">2000</a> <a href="#">2001</a> <a href="#">2002</a> <a href="#">2003</a> <a href="#">2004</a> <a href="#">2005</a> <a href="#">2006</a> <a href="#">2007</a> <a href="#">2008</a> <a href="#">2009</a> <a href="#">2010</a> <a href="#">2011</a> <a href="#">2012</a> <a href="#">2013</a> <a href="#">2014</a> <a href="#">2015</a> <a href="#">2016</a> <a href="#">2017</a> <a href="#">2018</a> <a href="#">2019</a>
Transactions	
Transaction Date	1-27-1986
Articles Of Corrections	CORRECTING REGISTERED OFFICE
Transaction Date	6-6-1989
Legal Name Changed From	William L. Rowe Machinery Salvage & Sales Co., Inc.

Rowe Machinery, Inc.	
Transaction Date	8-26-1996
Legal Name Changed From	Wm. L. Rowe Machinery Salvage & Sales, Inc.
Transaction Date	9-8-2008
Registered Agent Changed From	ROWE, WILLIAM L PO BOX 818 HWY 195 E FORKVILLE COMMUNITY HALEYVILLE, AL 35565
Scanned Documents	
Purchase Document Copies	
Document Date / Type / Pages	12-23-1985 Certificate of Formation 5 pgs.
Document Date / Type / Pages	1-27-1986 Articles of Correction 3 pgs.
Document Date / Type / Pages	6-6-1989 Legal Name Change 5 pgs.
Document Date / Type / Pages	8-26-1996 Legal Name Change 3 pgs.
Document Date / Type / Pages	9-8-2008 Registered Agent Change 1 pg.

[Browse Results](#)

[New Search](#)

## **Exhibit C**

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01	1 Case/Number D030-2017-02003A	10 Crash Occurred On: NJTP NSX	11 Speed Limit 515	118a	25
97	2 Police Dept of STATE POLICE	Road Name	Dir	118b	-
01	Code 02	<input type="checkbox"/> At Intersection with <input type="checkbox"/> Feet <input type="checkbox"/> Miles	<input type="checkbox"/> N <input type="checkbox"/> E <input type="checkbox"/> S <input type="checkbox"/> W of:	12 Route No.	Suffix
98	3 Station/Preinct NEWARK	14	15	16	17 Cross Road Name
01	4 Date of Crash mm dd yy 06 20 17	5 Day of Week Su M Tu W Th F Sa Tu	6 Time (use 2400 hrs.) 0608	7 Municipality Code 0260	8 Total Killed --
03	9 Total Injured --	19 Ramp	20 From:	21 Latitude 40.86821	22 Longitude -74.00402
100a	23 Veh No V1	24 Policy No. Z-35726-38	25 Ins Code 99	53 Veh No V2	54 Policy No. CT750703003
01	<input type="checkbox"/> Parked <input type="checkbox"/> Ped <input type="checkbox"/> Pedalcyclist <input type="checkbox"/> Resp to Emergency <input type="checkbox"/> Hit & Run	55 Ins Code 99	<input type="checkbox"/> Parked <input type="checkbox"/> Ped <input type="checkbox"/> Pedalcyclist <input type="checkbox"/> Resp to Emergency <input type="checkbox"/> Hit & Run	56 Driver's First Name Initial Last Name JEAN R DESIR	57 Sex M
02	26 Driver's First Name Initial Last Name JEAN R DESIR	27 Number & Street 55 PINEWOOD DR	28 City LEVITTOWN	29 State PA	30 Zip 19054
01	31 State PA	32 Driver's License Number 27972361	33 DOB mm dd yy 09 08 67	34 Expires mm yy 09 19	58 City MUSCLE SHOALS
02	35 Owner's First Name Initial Last Name RYDER TRUCK RENTAL INC	36 Number & Street 3100 INDUSTRIAL PKWY	37 City JEFFERSONVILLE	38 State IN	39 Zip 47130
106	40 Color WHI	41 Year 2015	42 Plate No. 2642447	43 State IN	59 Sex M
01	44 VIN 1FUJGEBG3FLGH2057	45 Expires mm yy 10 17	46 Vehicle Removed To TUMINO'S TOWING AID #37	50 Carrier No. 2135472	51 GVWR / GCWR (trucks & buses only) <input checked="" type="checkbox"/> $\leq 10,000$ lbs <input type="checkbox"/> 10,001 - 26,000 lbs <input checked="" type="checkbox"/> $\geq 26,001$ lbs
02	47 Authority <input type="checkbox"/> Owner <input checked="" type="checkbox"/> Driver <input type="checkbox"/> Police	48 Alcohol Drug Test Given: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> Refused Type: <input type="checkbox"/> Breath <input type="checkbox"/> Blood <input type="checkbox"/> Urine Results: 0. % <input type="checkbox"/> Pending	49 Hazardous Material <input checked="" type="checkbox"/> None <input type="checkbox"/> On Board <input type="checkbox"/> Spill Hazard Class Placard No.	52 Motor Carrier or Government Entity TIS LOGISTICS INC	53 Motor Carrier or Government Entity ROWE MACHINERY INC
05	50 Carrier No. 2135472	51 GVWR / GCWR (trucks & buses only) <input type="checkbox"/> $\leq 10,000$ lbs <input type="checkbox"/> 10,001 - 26,000 lbs <input checked="" type="checkbox"/> $\geq 26,001$ lbs	52 Motor Carrier or Government Entity ROWE MACHINERY INC	53 Motor Carrier or Government Entity ROWE MACHINERY INC	54 Motor Carrier or Government Entity ROWE MACHINERY INC
03	55 Damage To Other Property	56 Damage To Other Property	57 Damage To Other Property	58 Damage To Other Property	59 Damage To Other Property
03	136 Charge	137 Summons No.	138 Charge	139 Summons No.	140 Charge
03	140 Charge	141 Summons No.	142 Charge	143 Summons No.	144 Charge

[illegible]



<b>New Jersey Police</b> <b>Crash Investigation Report</b>	Case Number D030-2017-02003A	Page <u>2</u> of <u>3</u>
<p>Driver #1 stated in effect: I stopped in traffic and was hit.</p> <p>Driver #2 stated in effect: With the sun glare and his low brake lights I didn't see he was stopping until it was too late.</p> <p>The investigation revealed: Vehicles #1 and #2 were traveling on the NJTP NS95X roadway in the area of MP 119.4. Both vehicles were traveling in the right lane when Vehicle #1 stopped in traffic and was struck by Vehicle #2. Minor damage was observed to the rear of Vehicle #1. Vehicle #2 sustained significant damage to its front right.</p> <p>Page #1, Box #25: OLD REPUBLIC INS CO IL</p> <p>Page #1, Box #55: SENTRY SELECT INSURANCE CO AL</p>		

New Jersey Police  
Crash Investigation Report

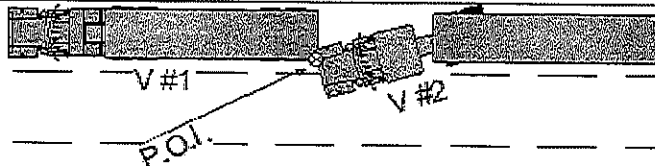
Case Number

D030-2017-02003A

Page 3 of 3

NS95X MP 119.4  
TEANECK TWP  
BERGEN COUNTY

Not To Scale



146. Officer's Signature

*Michael Kelly*

TPR. M G KELLY

147. Badge #  
7640

148. Reviewer

LS

Badge #  
6284

149. Case Status

☐ Pending ☒ Complete